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ABSTRACT

This guide from the Office of Special Education and Rehabilitative Services in the U.S. Department of Education is designed to assist school administrators in understanding the challenges faced in creating safe, effective learning environments, whole school practices that have dramatically increased effective learning environments, and under what circumstances a child with a disability may be removed from his or her school for disciplinary reasons. It begins by addressing the incidence of behavior problems in schools and the use of ineffective strategies, and then discusses how negative behavior impacts the school environment and how schools can use schoolwide responses to successfully provide behavior support to all students. A brief summary is provided of positive behavioral intervention and supports and data discussing problem behavior prevention is cited. The guide then explains legal requirements under the Individuals with Disabilities Education Act Amendments of 1997 that allow school personnel to remove a student with a disability for 10 consecutive school days for violations of the school code of conduct, and allows a change of placement of a child with a disability to an appropriate interim alternative educational setting for up to 45 days for special circumstances. A list of additional resources is provided. (CR)

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Prevention Research & the IDEA Discipline Provisions: A Guide for School Administrators

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Dear School Administrators:

In the 1997 amendments to the Individuals with Disabilities Education Act, Congress attempted to respond to school administrators' concerns about how to create safe school environments and the conditions under which a child with disabilities may be removed from school if he or she is considered to be a danger to himself or others. As part of its role in implementing the 1997 Amendments, the Office of Special Education and Rehabilitative Services in the U. S. Department of Education has sponsored research and technical assistance to provide you with state of the art knowledge about what works to create safe, effective learning environments for all children. We also want to clarify some common misunderstandings about what schools can do in those rare instances where a child with a disability threatens the safe school environment.

This guide will assist you in understanding:

- The challenges faced in creating safe, effective, learning environments as well as the impact of behavior on schools and learning.
- Research validated whole school practices that have dramatically increased effective learning environments
- Resources available to gain technical assistance and information about implementation of similar programs in your school

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- Under what circumstances a child with a disability may be removed from his or her school for disciplinary reasons

This guide is a response to your request to create an easy to read bulleted source of key information. We hope this information is helpful to you, and invite you to contact resources available.

We encourage you to visit our website at www.ed.gov/offices/OSERS/OSEP to learn more about research validated practices to promote safe and effective learning environments including other publications concerning behavior issues including: Early Warning Timely Response and Safeguarding Our Children: An Action Guide.

Judith E. Heumann
Assistant Secretary of the Office of Special Education and Rehabilitative Services

Kenneth Warlick
Director, Office of Special Education Programs

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An Ounce of Prevention

The Challenge: Creating Safe, Effective, and Orderly Learning Environments

- To be effective learning environments, schools need to be safe and orderly.
- Problem behavior is the single most common reason why students are referred for removal from school.
- Challenges facing educators are significant and persistent.
- Across the nation schools are being asked to do more with less.
- Punishment and exclusion remain the most common responses to problem behavior by students.
- Reprimands, detentions, and exclusion are documented as ineffective strategies for improving the behavior of children in schools.

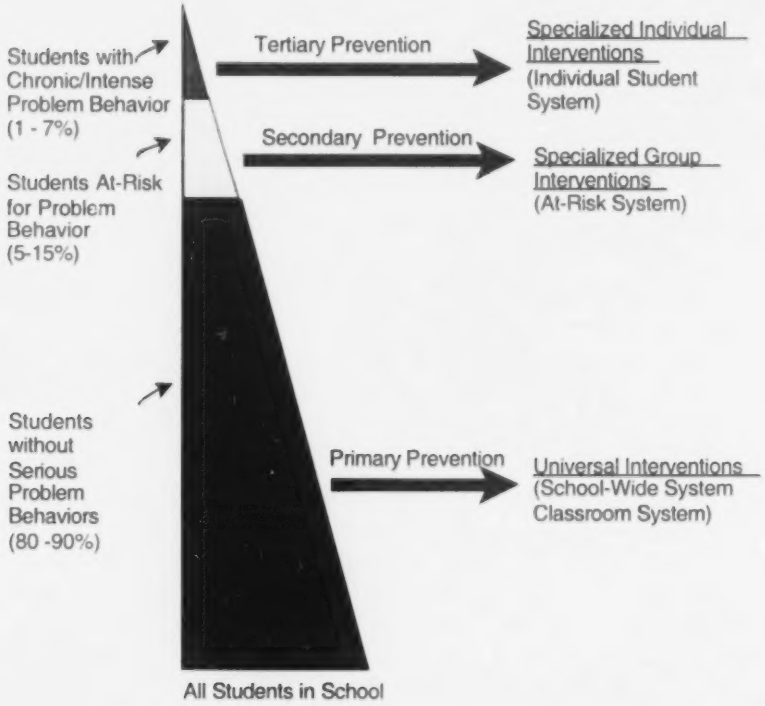
Impact of the Challenge: How Negative Behavior Impacts Schools

- Loss of instructional time for all students
  - Exclusion of students
  - Time away from teaching and learning
- Overemphasis on reactive discipline & classroom management practices to control behavior
- Chaotic school environments that disenfranchise families & school staff
- Ineffective & inefficient use of student and staff resources & time

A Systematic Solution: Creating Schoolwide Responses

- Creation of host environments that support preferred and effective practices, and include:
  - policies (proactive discipline handbooks, procedural handbooks)
  - structures (behavioral support teams)
  - routines (opportunities for students to learn expected behavior, staff development, data-based decision making)
- Schools successful in dealing with behavior realize that all children need behavior support. They define, teach, monitor, and acknowledge appropriate social behavior for all students. They do not wait for students to fail before providing behavioral supports.
- Establishment of proactive environments that have the capacity to identify, adopt, and sustain effective policies, systems, and research validated practices.
- Focus attention on creating and sustaining school environments that improve results for **all** children by making problem behavior less effective, efficient, and relevant and desired behavior more functional.

Continuum of Effective Behavior Support



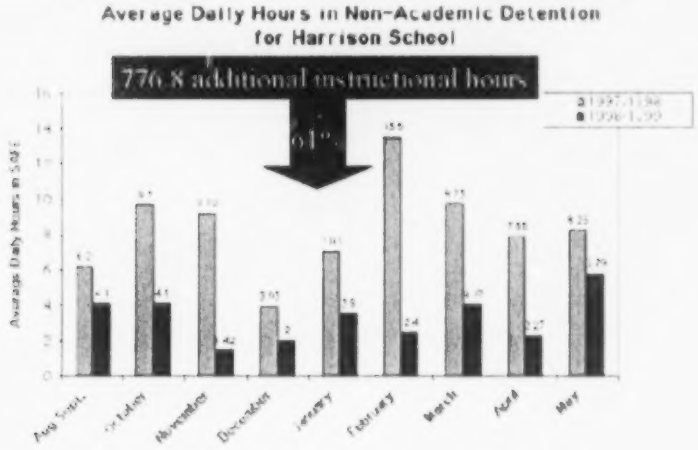
Positive Behavioral Intervention and Supports: A Brief Summary

- Positive behavior support is the application of positive behavioral interventions and systems to achieve positive change.
- Positive behavior support is an approach to discipline and intervention that is proving both effective and practical in schools.
- Positive behavior support is the application of the science of behavior to achieve socially important change. The emphasis is on behavior change that is durable, comprehensive, and linked to academic and social gains.
- As a general matter, positive behavior support should be applied before any child is excluded from school due to problem behavior.
- The development of positive behavioral interventions and plans that are guided by functional behavioral assessment (FBA) is a foundation on which positive behavioral support is delivered.
- Functional behavioral assessment (FBA) is a systematic way of identifying problem behaviors and the events that predict occurrence, non-occurrence, and maintenance of those behaviors.
- Strong, active administrative leadership, support and participation is needed for effective efforts.
- Positive behavior support considers multiple contexts: community, family, district, school, classroom, non-classroom, and individual.
- A proactive perspective is maintained along a continuum, using primary (what we do for all), secondary (what we do for some), and tertiary (what we do for a few) prevention and interventions.

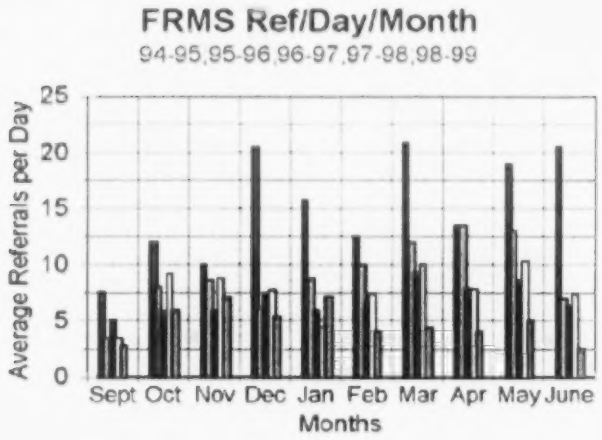
Data Supported Evidence

- Schools implementing systemic strategies of problem behavior prevention report reductions in office discipline referrals of 20-60%.
- Schools implementing systematic strategies of problem behavior prevention report improved access to academic engaged time and improved academic performance.
- The success rate for interventions based on a prior functional assessment is almost twice that obtained when this type of assessment is not conducted.

Time Spent Away from Academics Due to Behavior



Data from first year implementation of a positive behavior support model in an elementary school.



Data from first five-year implementation of a positive behavioral support model in a middle school.

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What Schools and Administrators are Saying

"We have been extremely pleased with the results of PBIS [Positive Behavioral Interventions and supports]. Teaching appropriate behaviors is much more effective than punishing inappropriate behaviors. It allows the child to know the expectations of our school and accept responsibility of his/her actions. The behaviors in our five targeted areas (classroom, hallway, playground, restroom, and even the
lunchroom) have been impacted by PBIS. Our disruptions during the school day are less, which means more time for instruction!"

Judi Hunter, Principal,
Julius Marks Elementary School, Lexington, KY

"Our school has been completely transformed…our students and staff are on the same page. Students know exactly how to behave and they know there will be positive consequences for meeting those expectations. Over the last five years, we have significantly reduced our referral rates. Today we celebrate and maintain a 67% reduction in discipline referrals."

Susan Taylor-Greene
Fern Ridge Middle School, Oregon

"The numbers don't lie! I was naturally skeptical about PBIS coming in as a new administrator. I had never seen anything like this before, but the data prove that the more students are involved with PBIS, the fewer problems teachers have with problem behavior."

Brett S. Gayer – Principal
Martinsville Jr/Sr High School, Illinois

Legal Requirements Under the Law

In the IDEA Amendments of 1997, Congress recognized that in certain instances, school personnel needed increased flexibility to deal with safety issues while maintaining needed due process protections in the IDEA.

- What the Law Allows: Procedural Considerations:
- School personnel can remove a student with a disability for 10 consecutive school days or less at a time for a violation of the school code of conduct (to the same extent applied to children without disabilities). School personnel can immediately remove for up to 10 consecutive school days or less, the same child for separate incidences of misconduct.
- School personnel can also order a change of placement of a child with a disability to an appropriate interim alternative educational setting for up to 45 days for possession of weapons or drugs or the solicitation or sale of controlled substances while at school and school functions.
- If school personnel believe that a child is dangerous to him or herself or others, they can ask a hearing officer in an expedited due process hearing to remove a student to an interim alternative educational setting for up to 45 days.

- 45 day interim alternative educational placements can be extended in additional 45-day increments if the hearing officer agrees that the child continues to be substantially likely to injure himself or herself or others if returned to his or her prior placement.
- School personnel can remove a child with a disability, including suspending or expelling for behavior that is not a manifestation of the child's disability, to the same extent as is done for children without disabilities, for the same behavior.
- School personnel can report crimes to appropriate law enforcement and judicial authorities.
- School personnel can always ask a court for a temporary restraining order in order to protect children or adults from harmful behaviors.

More Information/Resources

- To learn more about the law's specific requirements, read the Federal Regulations at 34 CFR§§ 300.519-300.529 and § 300.121(d)

- For more in depth information on PBIS and technical assistance that will help you enhance your school's capacity to address the range and diversity of behavioral challenges, contact:

  Center on Positive Behavioral Intervention and Supports
  5262 University of Oregon
  Eugene, OR 97403-5262
  (541) 346-2505
  email: pbis@oregon.uoregon.edu
  www.pbis.org

- For information on school safety and violence prevention, promising practices in children's mental health, and effective ways of addressing children's problem behavior, contact:

  Center for Effective Collaboration and Practice (CECP)
  1000 Thomas Jefferson Street NW, Suite 400
  Washington, DC 20007
  (888) 457-1551
  (202) 944-5400
  email: center@air.org
  www.air.org/cecp

- For information on educating children with disabilities, contact:
  National Information Center for Children and Youth with Disabilities (NICHCY)
  P.O. Box 1492
  Washington DC 20013
  (800) 695-0285 (V/TTY)

(202) 884-8200 (V/TTY)
email: nichcy@aed.org
www.nichcy.org

- For information regarding research validated practices to promote safe and effective learning environments, please visit the Office of Special Education Programs website: www.ed.gov/offices/OSERS/OSEP